

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LG.PHILIPS LCD CO., LTD.,

Plaintiff,

Y.

**TATUNG COMPANY;
TATUNG COMPANY OF AMERICA, INC.;
CHUNGHWA PICTURE TUBES, LTD.;
AND VIEWSONIC CORPORATION,**

Defendants.

Civil Action No. 05-292 (JJF)

REDACTED - PUBLIC VERSION

**DEFENDANTS' MOTION *IN LIMINE* (No. 1) PRECLUDING LPL FROM
MAKING REFERENCE TO THE TERMS "U.S. BRANDS" OR "U.S. CUSTOMERS"**

Any reference to global companies, such as Hewlett Packard Development Company, L.P. (HP), Dell Inc., IBM, Gateway or ViewSonic, as “U.S. brands” or “U.S. customers” should be excluded pursuant to Federal Rules of Evidence 402 and 403 because such reference is of limited, if any, probative value, and would be prejudicial to CPT, confuse the issues, and mislead the jury.

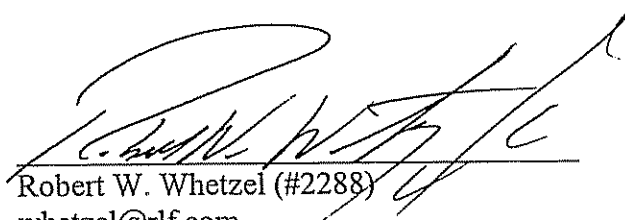
Global brands, such as HP, Dell, IBM, Gateway and ViewSonic, sell their products all over the world, including in Asia, Europe and the Americas. Characterizing those companies as “U.S. brands” or “U.S. customers” creates the false impression that sales from these companies occur singularly in the United States. Because this representation is untrue, it is highly misleading and potentially confusing for the jury. Fed. R. Evid. 403. In addition, the mischaracterization would be prejudicial to CPT because it would cloud the perception of the jurors and might be used to improperly advance LPL’s allegation that CPT (a foreign company) infringed a United States patent. Such a mischaracterization is not probative and would unfairly

undercut the fact that CPT's liability is limited to actions that occurred in the United States. *Deepsouth Packing Co. v. Laitram Corp.*, 406 U.S. 518, 527 (1972) ("The statute [35 U.S.C. § 271] makes it clear that it is not an infringement to make or use a patented product outside of the United States. Our patent system makes no claim to extraterritorial effect.").

Counsel for LPL attempted to mischaracterize these global brands, such as HP and Dell, as "U.S. brands" during the depositions of Oliver Shih taken on May 31-June 1, 2006 and Chien Ming Kuan taken on May 25-26, 2006.

REDACTED

Thus, pursuant to Federal Rules of Evidence 402 and 403, Defendants respectfully move *in limine* to preclude LPL from referring to global companies such as Dell and HP as "U.S. brands" or "U.S. customers" at trial.



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Dated: June 19, 2006

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

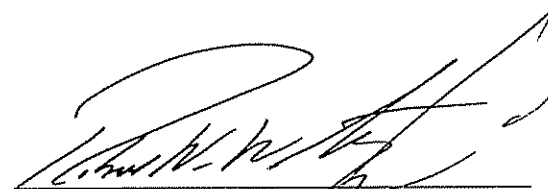
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 19, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing, and hand delivered to the following:

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I hereby certify that on June 19, 2006, I sent the foregoing document by Electronic Mail, to the following non-registered participants:

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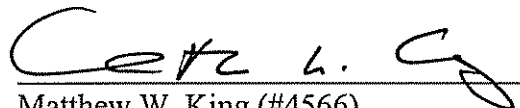
CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on June 26, 2006, I electronically filed the foregoing document with the Clerk of Court using CM/ECF which will send notification of such filing, and hand delivered to the following:

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